

**BOARD OF COUNTY COMMISSIONERS**  
**Agenda Item Summary**

**Meeting Date** May 19, 2004

**Division**      **County Attorney**

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**AGENDA ITEM WORDING**

Approval of authorization for County Attorney's office to settle Article V lien with Daniel Stambaugh for \$1,750.00.

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**ITEM BACKGROUND**

The County has an unexpected opportunity to recover a portion of the \$5,913.16 it expended on the defense of Daniel Stambaugh. The County's obligation arose from its obligation to pay for defense counsel for an indigent criminal defendant when a conflict of interest exists with the public defender's office and that person. Mr. Stambaugh recently negotiated a modest settlement of a federal civil rights action against the City of Key West. In an effort to satisfy the judgment the County holds against Mr. Stambaugh, his attorney has offered to withhold \$1750.00 from the settlement funds and to remit that amount to the County.

As a general proposition, the amounts secured by these liens are difficult to collect due to the limited resources and assets of those requiring the services of court appointed counsel. Mr. Stambaugh is currently incarcerated in state prison and is facing extradition to Texas upon completion of his sentence. He has little ability to repay the lien through other sources. This offer represents the County's best opportunity recover some of its money without having to devote any resources towards collection proceedings which would reduce the net gain to the County.

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**PREVIOUS RELEVANT BOCC ACTION**

None.

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**CONTRACT/AGREEMENT CHANGES**

n/a

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**STAFF RECOMMENDATIONS**

Approval.

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**TOTAL COST** \$0.00

**BUDGETED** Yes    No

**COST TO COUNTY** \$0.00

**SOURCE OF FUNDS**

**APPROVED BY:**    County Attorney ■      OMB/Purchasing !    Risk Management !

**DIVISION DIRECTOR APPROVAL:**

*John R. Collins* 05/04/04  
JOHN R. COLLINS

**DOCUMENTATION:**

Included xxx Follow !

Not Required !

**AGENDA ITEM #** \_\_\_\_\_

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309 Whitehead Street  
Key West, Florida 33040

Warren D. Tochterman  
Attorney at Law

Tel: 305-292-7272  
Fax 305-292-7271

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April 28, 2004

MONROE COUNTY ATTORNEY

Robert Shillinger, Jr., Esq.  
Asst. County Attorney  
P.O. Box 1026  
Key West, Florida 33041-1026

Re: Stambaugh v. Key West et al.

Dear Bob,

I write to memorialize our conversation of yesterday. I agreed that the attorneys in the above-referenced case would withhold \$1,750.00 from the settlement funds Mr. Stambaugh received from the City of Key West for assault and torture by Key West Police, in order to resolve the lien against Mr. Stambaugh in favor of Monroe County. You agreed to recommend such a settlement to the commissioners in light of the circumstances of Mr. Stambaugh's case and attendant circumstances.

I will recommend and confirm Mr. Stambaugh's agreement to actually pay the money May 6, 2004, during a scheduled teleconference. Thank you.

Cordially,

Warren Tochterman

cc: Dave Audlin, Esq.  
Sam Kaufman, Esq.  
Joe Albury Esq.  
Jedde Regante, Esq.  
Daniel Stambaugh

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT  
IN AND FOR MONROE COUNTY, FLORIDA  
LOWER KEYS CRIMINAL DIVISION

STATE OF FLORIDA

Vs.

Case No.: CFK 00-881-A  
CFK 00-882-B

<sup>M</sup>  
DANIEL HOLTE STAMBAUGH  
Defendant


Final Judgment Assessing Attorney's Fees

The above-named Defendant, having been declared indigent, and said Defendant having received at his request, the assistance of a private attorney appointed to represent him, and said Defendant having been determined to be guilty of a criminal act, it is, pursuant to F.S. 27.28:

ORDERED and ADJUDGED AS FOLLOWS:

1. The sum of \$5931.16 is hereby determined to be a reasonable attorney's fee for the services rendered to said Defendant up to the date of this judgment against the Defendant, for which sums a judgment against said Defendant, whose address is DC # k04412, Zepherhills C.I., 2739 Gall Blvd., Zepherhills, FL 33541-9701, is hereby rendered in favor of the Board of County Commissioners of Monroe County, Florida, for which let execution issue.
2. The Clerk of Court shall furnish a copy of this judgment to said Defendant by delivery or mail addressed to the Defendant's last known address.
3. The Clerk of Court shall record a copy of this judgment in the official records of Monroe County.

DONE and ORDERED at Key West, Florida on December 11<sup>th</sup>, 2001.

  
Circuit Judge

Cc County Attorney  
Daniel Holte Stambaugh  
DC # K04412  
Zepherhills C.I.  
2739 Gall Blvd.  
Zepherhills, FL 33541-9701

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